

### REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

During a telephone interview on June 16, 2009 between Examiner Samuel and the undersigned, Examiner Samuel indicated that claims 9 and 10 should be amended to refer to some structure, in order to satisfy 35 USC 101 as presently construed by the USPTO and the Federal Circuit. The examiner did not propose any amendments but rather requested us to review the application to determine proper amendments. The examiner agreed that the above amendments to claims 9 and 10, lines 3 and 2, respectively, to refer to "a step of measuring, by a signal power measurer, reception power of a known signal," would satisfy 35 USC 101. Support for the amendments is provided in for example application Fig. 9.

Therefore, allowance of claims 9 and 10 is deemed to be warranted.

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

Respectfully submitted,

/James Edward Ledbetter/

Date: June 19, 2009  
JEL/DWW/att

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